

LARRY A. WALRAVEN (S.B.# 143327)
lwalraven@calemployerlaw.com
BRYAN S. WESTERFELD (S.B.# 218253)
bwesterfeld@calemployerlaw.com
WALRAVEN & LEHMAN LLP
120 Vantis, Suite 535
Aliso Viejo, California 92656
Telephone: (949) 215-1990
Facsimile: (949) 215-1999

Attorneys for Defendant,
United HealthCare Insurance Company

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FOREST AMBULATORY SURGICAL
ASSOCIATES, L.P., doing business as
FOREST SURGERY CENTER,
Plaintiff,

v.

UNITED HEALTHCARE INSURANCE
COMPANY and DOES 1 through 20,
Defendant.

Case No. CV10-04911 JW

**STIPULATION AND
[PROPOSED] ORDER TO
EXTEND TIME TO ANSWER
OR OTHERWISE RESPOND TO
FIRST AMENDED COMPLAINT**

(Local Rule 6-1(b))

(Santa Clara Superior
Court Number: 110CV183843)

Complaint filed: **Sept. 29, 2010**

1 **WHEREAS** Plaintiff Forest Ambulatory Surgical Associates, L.P. filed a Complaint
2 in this action on September 29, 2010 and served it on Defendant United HealthCare Insurance
3 Company on October 1, 2010. Thereafter the parties stipulated to extend Defendant's time to
4 respond to the Complaint until December 17, 2010; and

5 **WHEREAS** Plaintiff filed its First Amended Complaint on December 17, 2010 and,
6 consequently, the deadline for Defendant to answer or otherwise respond to Plaintiff's First
7 Amended Complaint currently is January 6, 2011; and

8 **WHEREAS** Plaintiff's First Amended Complaint includes a new cause of action, and
9 Defendant believes it may have grounds to file a motion to dismiss under FRCP 12(b)(6); and

10 **WHEREAS** Plaintiff's claims seek the payment of health benefits relating to over a
11 hundred different patients under dozens of different health benefit plans; and

12 **WHEREAS** neither party will be prejudiced by extending the time for Defendant to
13 answer or otherwise respond to Plaintiff's First Amended Complaint; and

14 **WHEREAS** Plaintiff and Defendant agree it is in the best interest of both parties to
15 extend the time for Defendant to answer or otherwise respond to the First Amended
16 Complaint.

17 ///

18
19 ///

20
21 ///

22
23 ///

24
25 ///

26
27 ///

1 **NOW, THEREFORE**, Plaintiff and Defendant stipulate pursuant to Local Rule 6-
2 1(b) of the Local Rules of the United States District Court for the Northern District of
3 California to extend the time within which Defendant may answer or otherwise respond to the
4 First Amended Complaint by fourteen (14) days until January 20, 2011. This extension will
5 not alter the date of any event or deadline already affixed by Court order.

6
7 IT IS SO STIPULATED.

8 Dated: January 4, 2011

DAVIS WRIGHT TREMAINE LLP
GWEN FANGER

9
10
11 By: 
12 Gwen Fanger

Attorneys for Plaintiff,
Forest Ambulatory Surgical Associates,
L.P.

13
14 Dated: 1/4/11

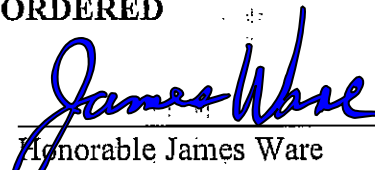
WALRAVEN & LEHMAN LLP
LARRY A. WALRAVEN
BRYAN S. WESTERFELD

15
16
17
18 By: 
19 Bryan S. Westerfeld

Attorneys for Defendant,
United Healthcare Insurance Company

20
21
22 **PURSUANT TO STIPULATION, IT IS SO ORDERED**

23
24 Dated: January 5, 2011


Honorable James Ware
United States District Judge

PROOF OF SERVICE

I, Kim Sullivan, declare:

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is 120 Vantis, Suite 535, Aliso Viejo, California 92656. January 4, 2011, I served the within documents:

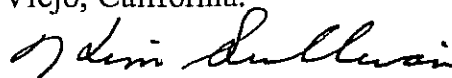
**STIPULATION AND [PROPOSED] ORDER TO EXTEND TIME TO
ANSWER OR OTHERWISE RESPOND TO FIRST AMENDED
COMPLAINT**

- ☐ by transmitting via facsimile machine the document(s) listed above to the fax number(s) set forth below on this date at approximately 4:48 PM. The outgoing facsimile machine telephone number in this office is (949) 215-1999. The facsimile machines used in this office create a transmission report for each outgoing facsimile transmitted. A copy of the transmission report(s) for the service of this document, properly issued by the facsimile machine(s) that transmitted this document and showing that such transmission was (transmissions were) completed without error, is attached hereto.
- ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Aliso Viejo, California addressed as set forth below. I am readily familiar with the firm's practice of collecting and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
- ☐ by putting a true and correct copy thereof, together with an unsigned copy of this declaration, in a sealed envelope designated by the carrier, with delivery fees paid or provided for, for delivery the next business day to the person(s) listed above, and placing the envelope for collection today by the overnight courier in accordance with the firm's ordinary business practices. I am readily familiar with this firm's practice for collection and processing of overnight courier correspondence. In the ordinary course of business, such correspondence collected from me would be processed on the same day, with fees thereon fully prepaid, and deposited that day in a box or other facility regularly maintained by Worldwide Network, Inc., which is an express carrier.

Gwen Fanger, Esq. (415) 276-6500
Davis Wright Tremaine LLP (415) 276-6599-FAX
505 Montgomery St., Suite 800
San Francisco, CA 94111

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on January 4, 2011, at Aliso Viejo, California.



Kim Sullivan